

AMENDED IN ASSEMBLY MARCH 14, 2016

CALIFORNIA LEGISLATURE—2015–16 REGULAR SESSION

ASSEMBLY BILL

No. 1995

Introduced by Assembly Member Williams

February 16, 2016

An act to amend ~~Sections 76300 and~~ *Section* 78212 of, and to add Section 76011 to, the Education Code, relating to community colleges.

LEGISLATIVE COUNSEL’S DIGEST

AB 1995, as amended, Williams. Community colleges: homeless students: access to shower facilities.

Existing law establishes the California Community Colleges, under the administration of the Board of Governors of the California Community Colleges, and authorizes the governing board of a community college district to grant the use of college facilities or grounds for specified purposes.

This bill would require a community college campus that has shower facilities for student use to grant access to those facilities to any homeless student who is enrolled in coursework, has paid enrollment fees, and is in good standing with the community college district. The bill would require the community college to ~~maintain records relating to, among other things, student participation in the program, and to conduct~~ *create a plan of action to implement this requirement that includes, among other things, conducting* outreach to homeless students at each community college campus relating to available services. By imposing additional duties on community college districts, the bill would impose a state-mandated local program.

~~Existing law requires the governing board of a community college to charge an enrollment fee of \$46 per semester, and also authorizes the board of governors to waive the fee under certain circumstances.~~

~~The bill would require the board of governors to include on the application form for a fee waiver, commencing with the 2017-18 academic year, a question asking whether the applicant is homeless.~~

Existing law, the Seymour-Campbell Student Success Act of 2012, requires a community college, as a condition of receiving funding for the Student Success and Support Program, to implement specified services.

This bill would add the administration of a program to provide shower facilities to homeless students to the list of services a community college is required to provide pursuant to those provisions. The bill would also update a cross-reference.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: yes.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 76011 is added to the Education Code,
- 2 to read:
- 3 76011. (a) If a community college campus has shower facilities
- 4 for student use on campus, the governing board of the community
- 5 college district shall grant access to those facilities to any homeless
- 6 student who is enrolled in coursework, has paid enrollment fees,
- 7 and is in good standing with the community college district without
- 8 requiring the student to enroll in additional courses.
- 9 (b) The governing board shall ~~do~~ *create a plan of action to*
- 10 *implement subdivision (a) that includes, but is not limited to, all*
- 11 *of the following:*
- 12 (1) ~~Use existing staff to implement this section.~~
- 13 (2) ~~Maintain records of all of the following:~~

1 ~~(A) The number of students assisted by the program created by~~
2 ~~this section.~~

3 ~~(B) The class attendance for each participating student.~~

4 ~~(C) The number of students exiting the program.~~

5 ~~(D) The fiscal impact of the program on the community college~~
6 ~~district.~~

7 *(1) Hours of operation for the shower facilities.*

8 *(2) A student safety plan for shower facility use.*

9 *(3) The minimum number of units a student must be enrolled in*
10 *to use the facilities.*

11 *(4) A plan of action if hours of operation conflict with athletic*
12 *games.*

13 *(5) A definition of homeless student that is based on the*
14 *definition of homeless youth specified in the McKinney-Vento*
15 *Homeless Assistance Act (42 U.S.C. Sec. 11434a(2)), but also*
16 *reflects the age of the homeless student population at the*
17 *community college campus.*

18 *(6) The fiscal impact of the program on the community college*
19 *district.*

20 ~~(3)~~

21 ~~(7) Conduct~~ Conducting outreach to homeless students at each
22 community college campus to inform students about available
23 resources offered by the community college and the community.

24 ~~SEC. 2. Section 76300 of the Education Code is amended to~~
25 ~~read:~~

26 ~~76300. (a) The governing board of each community college~~
27 ~~district shall charge each student a fee pursuant to this section.~~

28 ~~(b) (1) The fee prescribed by this section shall be forty-six~~
29 ~~dollars (\$46) per unit per semester, effective with the summer term~~
30 ~~of the 2012 calendar year.~~

31 ~~(2) The board of governors shall proportionately adjust the~~
32 ~~amount of the fee for term lengths based upon a quarter system;~~
33 ~~and also shall proportionately adjust the amount of the fee for~~
34 ~~summer sessions, intersessions, and other short-term courses. In~~
35 ~~making these adjustments, the board of governors may round the~~
36 ~~per unit fee and the per term or per session fee to the nearest dollar.~~

37 ~~(c) For the purposes of computing apportionments to community~~
38 ~~college districts pursuant to Section 84750.5, the board of~~
39 ~~governors shall subtract, from the total revenue owed to each~~

1 district, 98 percent of the revenues received by districts from
2 charging a fee pursuant to this section.

3 (d) The board of governors shall reduce apportionments by up
4 to 10 percent to any district that does not collect the fees prescribed
5 by this section.

6 (e) The fee requirement does not apply to any of the following:

7 (1) Students enrolled in the noncredit courses designated by
8 Section 84757.

9 (2) California State University or University of California
10 students enrolled in remedial classes provided by a community
11 college district on a campus of the University of California or a
12 campus of the California State University, for whom the district
13 claims an attendance apportionment pursuant to an agreement
14 between the district and the California State University or the
15 University of California.

16 (3) Students enrolled in credit contract education courses
17 pursuant to Section 78021, if the entire cost of the course, including
18 administrative costs, is paid by the public or private agency,
19 corporation, or association with which the district is contracting
20 and if these students are not included in the calculation of the
21 full-time equivalent students (FTES) of that district.

22 (f) The governing board of a community college district may
23 exempt special part-time students admitted pursuant to Section
24 76001 from the fee requirement.

25 (g) (1) The fee requirements of this section shall be waived for
26 any student who meets all of the following requirements:

27 (A) Meets minimum academic and progress standards adopted
28 by the board of governors, which fulfill the requirements outlined
29 in this paragraph and paragraphs (2) to (5), inclusive. Any
30 minimum academic and progress standards adopted pursuant to
31 this section shall be uniform across all community college districts
32 and campuses. These standards shall not include a maximum unit
33 cap, and community college districts and colleges shall not impose
34 requirements for fee waiver eligibility other than the minimum
35 academic and progress standards adopted by the board of governors
36 and the requirements of subparagraph (B).

37 (B) Meets one of the following criteria:

38 (i) At the time of enrollment, is a recipient of benefits under the
39 Temporary Assistance for Needy Families program, the

1 Supplemental Security Income/State Supplementary Payment
2 Program, or a general assistance program.

3 (ii) Demonstrates eligibility according to income standards
4 established by regulations of the board of governors.

5 (iii) Demonstrates financial need in accordance with the
6 methodology set forth in federal law or regulation for determining
7 the expected family contribution of students seeking financial aid.

8 (2) (A) The board of governors, in consultation with students,
9 faculty, and other key stakeholders, shall consider all of the
10 following in the development and adoption of minimum academic
11 and progress standards pursuant to subparagraph (A) of paragraph
12 (1):

13 (i) Minimum uniform academic and progress standards that do
14 not unfairly disadvantage financially needy students in pursuing
15 their education.

16 (ii) Criteria for reviewing extenuating circumstances and
17 granting appeals that, at a minimum, take into account and do not
18 penalize a student for circumstances outside his or her control,
19 such as reductions in student support services or changes to the
20 economic situation of the student.

21 (iii) A process for reestablishing fee waiver eligibility that
22 provides a student with a reasonable opportunity to continue or
23 resume his or her enrollment at a community college.

24 (B) To ensure that students are not unfairly impacted by the
25 requirements of subparagraph (A) of paragraph (1), the board of
26 governors shall establish a reasonable implementation period that
27 commences no sooner than one year from adoption of the minimum
28 academic and progress standards, or any subsequent changes to
29 these standards, pursuant to subparagraph (A) of paragraph (1)
30 and that is phased in to provide students adequate notification of
31 this requirement and information about available support resources.

32 (3) It is the intent of the Legislature that minimum academic
33 and progress standards adopted pursuant to subparagraph (A) of
34 paragraph (1) be implemented only as campuses develop and
35 implement the student support services and interventions necessary
36 to ensure no disproportionate impact to students based on ethnicity,
37 gender, disability, or socioeconomic status. The board of governors
38 shall consider the ability of community college districts to meet
39 the requirements of this paragraph before adopting minimum

1 academic and progress standards, or any subsequent changes to
2 these standards, pursuant to subparagraph (A) of paragraph (1).

3 (4) It is the intent of the Legislature to ensure that a student shall
4 not lose fee waiver eligibility without a community college campus
5 first demonstrating a reasonable effort to provide a student with
6 adequate notification and assistance in maintaining his or her fee
7 waiver eligibility. The board of governors shall adopt regulations
8 to implement this paragraph that ensure all of the following:

9 (A) Students are provided information about the available
10 student support services to assist them in maintaining fee waiver
11 eligibility.

12 (B) Community college district policies and course catalogs
13 reflect the minimum academic and progress standards adopted
14 pursuant to subparagraph (A) of paragraph (1) and that appropriate
15 notice is provided to students before the policies are put into effect.

16 (C) A student does not lose fee waiver eligibility unless he or
17 she has not met minimum academic and progress standards adopted
18 pursuant to subparagraph (A) of paragraph (1) for a period of no
19 less than two consecutive academic terms.

20 (D) Commencing with the application process for fee waivers
21 for the 2017-18 academic year, and for each academic year
22 thereafter, the application form for a fee waiver under this
23 subdivision shall include a question asking whether the applicant
24 is homeless.

25 (5) The board of governors shall provide notification of a
26 proposed action to adopt regulations pursuant to this subdivision
27 to the appropriate policy and fiscal committees of the Legislature
28 in accordance with the requirements of paragraph (1) of subdivision
29 (a) of Section 70901.5. This notification shall include, but not be
30 limited to, all of the following:

31 (A) The proposed minimum academic and progress standards
32 and information detailing how the requirements of paragraphs (1)
33 to (4), inclusive, have been or will be satisfied.

34 (B) How many students may lose fee waiver eligibility by
35 ethnicity, gender, disability, and, to the extent relevant data is
36 available, by socioeconomic status.

37 (C) The criteria for reviewing extenuating circumstances,
38 granting appeals, and reestablishing fee waiver eligibility pursuant
39 to paragraph (2).

1 ~~(h) The fee requirements of this section shall be waived for any~~
2 ~~student who, at the time of enrollment, is a dependent or surviving~~
3 ~~spouse who has not remarried, of any member of the California~~
4 ~~National Guard who, in the line of duty and while in the active~~
5 ~~service of the state, was killed, died of a disability resulting from~~
6 ~~an event that occurred while in the active service of the state, or~~
7 ~~is permanently disabled as a result of an event that occurred while~~
8 ~~in the active service of the state. “Active service of the state,” for~~
9 ~~the purposes of this subdivision, refers to a member of the~~
10 ~~California National Guard activated pursuant to Section 146 of~~
11 ~~the Military and Veterans Code.~~

12 ~~(i) The fee requirements of this section shall be waived for any~~
13 ~~student who is the surviving spouse or the child, natural or adopted,~~
14 ~~of a deceased person who met all of the requirements of Section~~
15 ~~68120.~~

16 ~~(j) The fee requirements of this section shall be waived for any~~
17 ~~student in an undergraduate program, including a student who has~~
18 ~~previously graduated from another undergraduate or graduate~~
19 ~~program, who is the dependent of any individual killed in the~~
20 ~~September 11, 2001, terrorist attacks on the World Trade Center~~
21 ~~and the Pentagon or the crash of United Airlines Flight 93 in~~
22 ~~southwestern Pennsylvania, if that dependent meets the financial~~
23 ~~need requirements set forth in Section 69432.7 for the Cal Grant~~
24 ~~A Program and either of the following applies:~~

25 ~~(1) The dependent was a resident of California on September~~
26 ~~11, 2001.~~

27 ~~(2) The individual killed in the attacks was a resident of~~
28 ~~California on September 11, 2001.~~

29 ~~(k) A determination of whether a person is a resident of~~
30 ~~California on September 11, 2001, for purposes of subdivision (j)~~
31 ~~shall be based on the criteria set forth in Chapter 1 (commencing~~
32 ~~with Section 68000) of Part 41 of Division 5 for determining~~
33 ~~nonresident and resident tuition.~~

34 ~~(l) (1) “Dependent,” for purposes of subdivision (j), is a person~~
35 ~~who, because of his or her relationship to an individual killed as~~
36 ~~a result of injuries sustained during the terrorist attacks of~~
37 ~~September 11, 2001, qualifies for compensation under the federal~~
38 ~~September 11th Victim Compensation Fund of 2001 (Title IV~~
39 ~~(commencing with Section 401) of Public Law 107-42).~~

~~(2) A dependent who is the surviving spouse of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers provided in this section until January 1, 2013.~~

~~(3) A dependent who is the surviving child, natural or adopted, of an individual killed in the terrorist attacks of September 11, 2001, is entitled to the waivers under subdivision (j) until that person attains 30 years of age.~~

~~(4) A dependent of an individual killed in the terrorist attacks of September 11, 2001, who is determined to be eligible by the California Victim Compensation and Government Claims Board, is also entitled to the waivers provided in this section until January 1, 2013.~~

~~(m) (1) It is the intent of the Legislature that sufficient funds be provided to support the provision of a fee waiver for every student who demonstrates eligibility pursuant to subdivisions (g) to (j), inclusive.~~

~~(2) From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to 2 percent of the fees waived pursuant to subdivisions (g) to (j), inclusive. From funds provided in the annual Budget Act, the board of governors shall allocate to community college districts, pursuant to this subdivision, an amount equal to ninety-one cents (\$0.91) per credit unit waived pursuant to subdivisions (g) to (j), inclusive. It is the intent of the Legislature that funds provided pursuant to this subdivision be used to support the determination of financial need and delivery of student financial aid services, on the basis of the number of students for whom fees are waived. It also is the intent of the Legislature that the funds provided pursuant to this subdivision directly offset mandated costs claimed by community college districts pursuant to Commission on State Mandates consolidated Test Claims 99-TC-13 (Enrollment Fee Collection) and 00-TC-15 (Enrollment Fee Waivers). Funds allocated to a community college district for determination of financial need and delivery of student financial aid services shall supplement, and shall not supplant, the level of funds allocated for the administration of student financial aid programs during the 1992-93 fiscal year.~~

~~(n) The board of governors shall adopt regulations implementing this section.~~

~~SEC. 3.~~

SEC. 2. Section 78212 of the Education Code is amended to read:

78212. (a) (1) For purposes of this article, “matriculation” means a process that brings a college and a student into an agreement for the purpose of achieving the student’s educational goals and completing the student’s course of study. The agreement involves the responsibilities of both parties to attain those objectives through the college’s established programs, policies, and requirements including those established by the board of governors pursuant to Section 78215.

(2) The institution’s responsibility under the agreement includes the provision of student services to provide a strong foundation and support for their academic success and ability to achieve their educational goals. The program of services funded through the Seymour-Campbell Student Success Act of 2012, which shall be known and may be cited as the Student Success and Support Program, shall include, but are not necessarily limited to, all of the following:

(A) Orientation services designed to provide to students, on a timely basis, information concerning campus procedures, academic expectations, financial assistance, and any other matters the college or district finds appropriate.

(B) Assessment before course registration, as defined in Section 78213.

(C) Counseling and other education planning services, which shall include, but not necessarily be limited to, all of the following:

(i) Counseling and advising.

(ii) Assistance to students in the exploration of educational and career interests and aptitudes and identification of educational objectives, including, but not limited to, preparation for transfer, associate degrees, and career technical education certificates and licenses.

(iii) The provision of information, guided by sound counseling principles and practices, using a broad array of delivery mechanisms, including technology-based strategies to serve a continuum of student needs and abilities, that will enable students to make informed choices.

1 (iv) Development of an education plan leading to a course of
2 study and guidance on course selection that is informed by, and
3 related to, a student's academic and career goals.

4 (D) Referral to specialized support services as needed and
5 available, including, but not necessarily limited to, federal, state,
6 and local financial assistance; health services; career services;
7 veteran support services; foster youth services; extended
8 opportunity programs and services provided pursuant to Article 8
9 (commencing with Section 69640) of Chapter 2 of Part 42 of
10 Division 5; campus child care services provided pursuant to Article
11 6 (commencing with Section 66060) of Chapter 2 of Part 40 of
12 Division 5; programs that teach basic skills education and English
13 as a second language; and disabled student services provided
14 pursuant to Chapter 14 (commencing with Section 67300) of Part
15 40 of Division 5.

16 (E) Evaluation of each student's progress and referral to
17 appropriate interventions for students who are enrolled in basic
18 skills courses, who have not declared an educational goal as
19 required, or who are on academic probation, as defined by
20 standards adopted by the Board of Governors of the California
21 Community Colleges and community college districts.

22 (F) Administering a program to provide shower facilities to
23 homeless students pursuant to Section 76011.

24 (3) The student's responsibilities under the agreement include,
25 but are not necessarily limited to, the identification of an academic
26 and career goal upon application, the declaration of a specific
27 course of study after a specified time period or unit accumulation,
28 as defined by the board of governors, diligence in class attendance
29 and completion of assigned coursework, and the completion of
30 courses and maintenance of academic progress toward an
31 educational goal and course of study identified in the student's
32 education plan. To ensure that students are not unfairly impacted
33 by the requirements of this chapter, the board of governors shall
34 establish a reasonable implementation period that is phased in as
35 resources are available to provide nonexempt students with the
36 core services pursuant to this section.

37 (b) Funding for the Student Success and Support Program shall
38 be targeted to fully implement orientation, assessment, counseling
39 and advising, and other education planning services needed to
40 assist a student in making an informed decision about his or her

1 educational goal and course of study and in the development of
2 an education plan.

3 ~~SEC. 4.~~

4 *SEC. 3.* If the Commission on State Mandates determines that
5 this act contains costs mandated by the state, reimbursement to
6 local agencies and school districts for those costs shall be made
7 pursuant to Part 7 (commencing with Section 17500) of Division
8 4 of Title 2 of the Government Code.

O